

JENNIFER R. DOROW
Chief Judge
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
Telephone: (262) 548-7210

PATRICK C. HAUGHNEY
Deputy Chief Judge
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
Telephone: (262) 548-7210

MICHAEL G. NEIMON
District Court Administrator
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
Telephone: (262) 548-7208

STATE OF WISCONSIN

THIRD JUDICIAL DISTRICT

WAUKESHA COUNTY COURTHOUSE
515 WEST MORELAND BLVD., ROOM C-359
WAUKESHA, WISCONSIN 53188

OFFICE (262) 548-7210
FAX (262) 548-7815

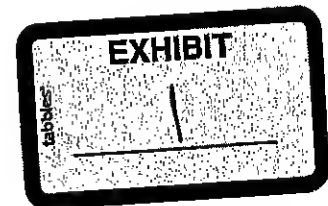
EXHIBIT #1

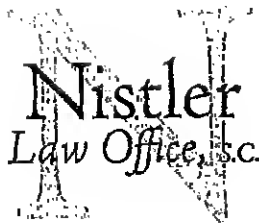


February 26, 2018

Charge: Under the direction of the Third Judicial District Chief Judge Jennifer Dorow, to investigate claims by Judge Joseph Voiland concerning Ozaukee County Officials, including the following (allegations are in summary form. Please consult with Judge Voiland regarding specifics and supporting documentation).

1. Alteration and/or deletion of CCAP records by the Clerk of Circuit Court/Register in Probate, including but not limited to back dating of case assignments, removal of hearings from calendar, correction of docket entries without proper case file documentation/notation, and destruction of case files. (If these actions occurred in the past, determine whether they are continuing).
2. Misuse of Register in Probate/Probate Registrar authority, including but not limited to granting of adjournments in formal cases and improper designation of cases (formal vs. informal and the interplay between the two and whether such actions were done without the approval of the assigned judge) and the reason(s) for doing so.
3. Custody Study and related issues, including but not limited to the failure of the county treasurer to segregate statutory fees as required by Wis. Stat. § 814.615, and the failure to name and appoint a director of family court services as required by Wis. Stat. § 767.405(1m)(a).
4. Other similar or related allegations as may be brought to your attention by any of the Ozaukee County judges or Chief Judge Jennifer Dorow.





July 18, 2018

Judge Randy R. Koschnick
Director of State Courts
16 State Capitol
PO Box 1688
Madison WI 53701-1688
Served via fax (608) 261-8299 and email randy.koschnick@wicourts.gov

Re: Pending/"Confidential" Investigative Report

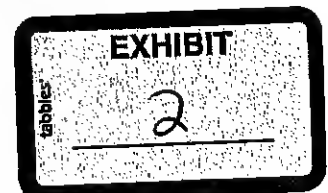
Dear Judge Koschnick:

We received a copy of a Report designated "Confidential" and addressed to you as the Director of State Courts as well as to Judge Dorow. Based on the message below, we understand that Judge Dorow chose to share the Confidential Report with certain parties and "a few reporters who have requested updates while this matter has been pending."

It appears that the matter remains pending while "an appropriate plan of action" is developed with your Office, and it is also possible (if not likely) that the report has been forwarded up the chain of command for further review.

The Supreme Court Rules generally prohibit judges from publicly commenting on pending matters. Therefore, I write to ask you whether you have authorized the release of the report that was addressed to you, whether that release is limited to the parties and the "few reporters" that Judge Dorow chose to share it with, and whether you or any other person or entity has or will make any decision regarding the acceptance of the findings and conclusions in the report (and if so, to share this correspondence with them).

We note that the report itself does not attach or include copies of the supporting documentation upon which it is based. We do not believe, therefore, that anyone could come to any final decision regarding the report, its findings or its conclusions in its current state. If you have determined that public comment is appropriate, we ask that you provide us with a copy of the report that is not designated as "Confidential," as well as copies of all documents gathered by your office and by the investigator incident to the investigation. If necessary, please consider this a request pursuant to Wisconsin Statute Section 19.31.



Nistler Law Office, s.c.

7000 W. North Avenue • Wauwatosa, Wisconsin 53213 • Phone (414) 763-1147 • Fax (414) 988-9572

www.NistlerLaw.com

Importantly, we believe the report contains material omissions of information and documentation that were previously provided to the investigator. Therefore, we intend to provide the missing and material information and documentation to you and to any others that you authorize to receive it forthwith, and ask that any decision regarding the acceptance of the findings and conclusions in the report await the receipt of that documentation.

Regards,



Brent D. Nistler

Cc: Hon. Jennifer Dorow (via email)

>>> Jennifer Dorow 07/03/18 1:09 PM >>>
Good Afternoon,

Please be advised that Judge Fiedler has concluded his investigation and issued the attached report. I have reviewed it and accept its findings. I have been in contact with Judge Koschnick and the Office of the Director of State Courts and have requested their continued assistance as I develop an appropriate plan of action consistent with my authority as Chief Judge. Please know that I am committed to working with each and every one of you to move forward in a positive manner.

I also want you to be aware that I have authorized release of the report to a few reporters who have requested updates while this matter has been pending. And although the report was sent to me with a cover page that says "Confidential", I consider the report to be a public record at this point.

Thank you for your attention to this matter. I will be in touch with you in the near future as I solidify the plan.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov

Brent Nistler

From: Randy Koschnick <Randy.Koschnick@wicourts.gov>
Sent: Wednesday, July 18, 2018 2:31 PM
To: Brent Nistler
Cc: Dean Stensberg; Jennifer Dorow; Joseph Voiland; Tom Sheehan
Subject: Re: Pending/"Confidential" Investigative Report

Attorney Nistler,

I construe your correspondence as a public records request for "all documents gathered by your office and by the investigator incident to the investigation." I will respond to your request as soon as practicable and without delay.

The report that you reference is a public document, the "confidential" marking notwithstanding. There are no restrictions on distribution to the best of my knowledge. My office is considering what action to take, if any, in response to Recommendation #1. Chief Judge Dorow will be making a determination concerning what action to take, if any, in response to Recommendation #2.

Thank you.

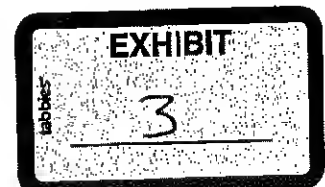
Judge Randy R. Koschnick
Director of State Courts
16 E. State Capitol
P.O. Box 1688
Madison, WI 53701-1688
608.266.6828
fax 608.261.8299
randy.koschnick@wicourts.gov

>>> Brent Nistler <BNistler@nistlerlaw.com> 7/18/2018 11:09 AM
>>>

Sorry, I meant to copy Judge Voiland on this too:

July 18, 2018

Judge Randy R. Koschnick



Director of State Courts

16 State Capitol

PO Box 1688

Madison WI 53701-1688

Served via fax (608) 261-8299 and email randy.koschnick@wicourts.gov

Re: Pending/"Confidential" Investigative Report

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Importantly, we believe the report contains material omissions of information and documentation that were previously provided to the investigator. Therefore, we intend to provide the missing and material information and documentation to you and to any others that you authorize to receive it forthwith, and ask that any decision regarding the acceptance of the findings and conclusions in the report await the receipt of that documentation. Regards,

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Cc: Hon. Jennifer Dorow (via email)

>>> Jennifer Dorow 07/03/18 1:09 PM >>>

Good Afternoon,

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I also want you to be aware that I have authorized release of the report to a few reporters who have requested updates while this matter has been pending. And although the report was sent to me with a cover page that says "Confidential", I consider the report to be a public record at this point.

Thank you for your attention to this matter. I will be in touch with you in the near future as I solidify the plan.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov



Brent D. Nistler
Nistler Law Office, s.c.
7000 W. North Ave.
Wauwatosa, WI 53213
(414) 763-1147 Phone
(414) 988-9572 Fax
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Brent Nistler

From: Jennifer Dorow <Jennifer.Dorow@wicourts.gov>
Sent: Wednesday, August 1, 2018 5:22 PM
To: Brent Nistler; Randy Koschnick
Cc: Joseph Voiland
Subject: RE: Pending/"Confidential" Investigative Report
Attachments: Letter to Attorney Nistler 052318.pdf

Attorney Nistler,

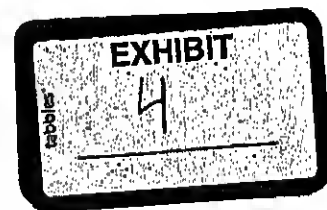
I did not provide a response to your correspondence dated July 18, 2018, as that letter was directed to Judge Koschnick and not me. If you were looking for a response from me, that was not clear. My understanding is that Judge Koschnick promptly acknowledged receipt of your July 18 letter. Furthermore, just today Judge Koschnick responded to the email by advising that the matter is still under consideration and being processed. Thus, it appears to me your request is being addressed by the Director and no further action by me is needed.

As to your renewed request that I recuse myself from the administrative investigation, attached is a copy of my May 23, 2018 letter to you. In that letter I unequivocally advised you I would not recuse myself from the administrative investigation. That decision has not changed. Further, as you know, I have now had the chance to review Judge Fiedler's findings and have accepted them.

Please know I remain committed to working with Judge Voiland and each and every one of the Ozaukee County officials to move forward in a positive manner.

Very Truly Yours,

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov



>>> Brent Nistler <8Nistler@nistlerlaw.com> 7/27/2018 5:03 PM >>>
Dear Judge Koschnick and Judge Dorow:

This follows up on our July 18, 2018 State Open Records Law Request. To date, we have not received the Records requested and we believe that the reasonable time allowed by law has passed.

We requested the records gathered by the investigator and sent to Judge Dorow for her review incident to the investigation. Prior to the report's public release on July 3, 2018, and prior to Judge Dorow's public declaration that same day that she accepted its findings, your offices already would have compiled the records gathered by the Investigator incident to the investigation. We believe those records should have been produced by this time.

Incidentally, we previously filed a request that Judge Dorow explain why she should not recuse herself from this matter given that she is, and was, a potential witness. Judge Dorow responded by stating that Judge Fiedler -- and not her -- was responsible for the matter and therefore she had nothing to recuse herself from. When called upon, though, to make a decision as to the report itself, Judge Dorow proceeded to make a decision on the matter without making any decision

on the recusal issue. Because this matter appears to remain pending in certain respects, we raise here the issue of Judge Dorow's non-decision on the recusal issue and inquire if it should be revisited in light of this.

Thank you.

From: Randy Koschnick [mailto:Randy.Koschnick@wicourts.gov]
Sent: Wednesday, July 18, 2018 2:31 PM
To: Brent Nistler <BNistler@nistlerlaw.com>
Cc: Dean Stensberg <Dean.Stensberg@wicourts.gov>; Jennifer Dorow <Jennifer.Dorow@wicourts.gov>; Joseph Voiland <Joseph.Voiland@wicourts.gov>; Tom Sheehan <Tom.Sheehan@wicourts.gov>
Subject: Re: Pending/"Confidential" Investigative Report

Attorney Nistler,

I construe your correspondence as a public records request for "all documents gathered by your office and by the investigator incident to the investigation." I will respond to your request as soon as practicable and without delay.

The report that you reference is a public document, the "confidential" marking notwithstanding. There are no restrictions on distribution to the best of my knowledge.

My office is considering what action to take, if any, in response to Recommendation #1. Chief Judge Dorow will be making a determination concerning what action to take, if any, in response to Recommendation #2.

Thank you.

Judge Randy R. Koschnick
Director of State Courts
16 E. State Capitol
P.O. Box 1688
Madison, WI 53701-1688
608.266.6828
fax 608.261.8299
randy.koschnick@wicourts.gov<mailto:randy.koschnick@wicourts.gov>

>>> Brent Nistler
<BNistler@nistlerlaw.com<mailto:BNistler@nistlerlaw.com>>
7/18/2018 11:09 AM >>>
Sorry, I meant to copy Judge Voiland on this too:

July 18, 2018

Judge Randy R. Koschnick

Director of State Courts
16 State Capitol
PO Box 1688
Madison WI 53701-1688
Served via fax (608) 261-8299 and email
randy.koschnick@wiscourts.gov<mailto:randy.koschnick@wiscourts.gov>

Re: Pending/"Confidential" Investigative Report

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We note that the report itself does not attach or include copies of the supporting documentation upon which it is based. We do not believe, therefore, that anyone could come to any final decision regarding the report, its findings or its conclusions in its current state. If you have determined that public comment is appropriate, we ask that you provide us with a copy of the report that is not designated as "Confidential," as well as copies of all documents gathered by your office and by the investigator incident to the investigation. If necessary, please consider this a request pursuant to Wisconsin Statute Section 19.31.

Importantly, we believe the report contains material omissions of information and documentation that were previously provided to the investigator. Therefore, we intend to provide the missing and material information and documentation to you and to any others that you authorize to receive it forthwith, and ask that any decision regarding the acceptance of the findings and conclusions in the report await the receipt of that documentation.

Regards,

Brent D. Nistler

Cc: Hon. Jennifer Dorow (via email)

>>> Jennifer Dorow 07/03/18 1:09 PM >>>

Good Afternoon,

Please be advised that Judge Fiedler has concluded his investigation and issued the attached report. I have reviewed it and accept its findings. I have been in contact with Judge Koschnick and the Office of the Director of State Courts and have requested their continued assistance as I develop an appropriate plan of action consistent with my authority as Chief Judge. Please know that I am committed to working with each and every one of you to move forward in a positive manner.

I also want you to be aware that I have authorized release of the report to a few reporters who have requested updates while this matter has been pending. And although the report was sent to me with a cover page that says "Confidential", I consider the report to be a public record at this point.

Thank you for your attention to this matter. I will be in touch with you in the near future as I solidify the plan.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov<<mailto:jennifer.dorow@wicourts.gov>>

[cid:image001.jpg@01D425CB.C7FECB60]

Brent D. Nistler
Nistler Law Office, s.c.
7000 W. North Ave.
Wauwatosa, WI 53213
(414) 763-1147 Phone
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STATE OF WISCONSIN

THIRD JUDICIAL DISTRICT

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515 WEST MORELAND BLVD., ROOM C-359
WAUKESHA, WISCONSIN 53188

OFFICE (262) 548-7210
FAX (262) 548-7815



May 23, 2018

Via email

Attorney Brent Nistler
Nistler Law Offices, s.c.
7000 W. North Avenue
Wauwatosa, WI 53213
BNistler@nistlerlaw.com

Re: May 18, 2018 Letter

Dear Attorney Nistler:

Thank you for your letter of May 18th.

Please be advised that I respectfully disagree with your assertions and decline your client's request to recuse myself from the administrative investigation. Nothing in your letter evidences a potential conflict of interest by me. On the contrary, I remain committed to the independent administrative investigation being conducted by former Judge and U.S. Attorney Pat Fiedler. I have made no decisions or reached any conclusions and will not do so until his investigation is complete and I have his findings to review and consider.

Very truly yours,

Electronically signed by Jennifer R. Dorow

Jennifer R. Dorow
Chief Judge Third Judicial District

cc: Hon. Randy Koschnick, Director of State Courts

Brent Nistler

From: Brent Nistler
Sent: Tuesday, August 14, 2018 5:03 PM
To: Randy Koschnick
Cc: Jennifer Dorow; Joseph Voiland
Subject: Outstanding Open Records request regarding July 3, 2018 "confidential" report

Dear Judge Koschnick and Judge Dorow:

Thank you for your most recent follow up to our Open Records Request and the acknowledgement that the response should not be taking this long. It has been approximately one month since we made this request and six weeks since your offices publicly released the "confidential" report dated July 3, 2018.

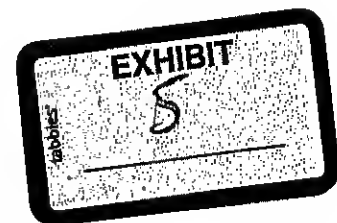
Because that report did not include copies of any supporting documentation, it was impossible for the public to know whether or not its findings and its conclusions were complete or incomplete, accurate or inaccurate, right or wrong. What's more, the fact that neither you nor Judge Dorow had that material raises concerns that its findings and conclusions were adopted without appropriate verification. This is aggravated by the fact that we wrote to the investigator twice in the month prior to the issuance of the report regarding this topic and we received not even the courtesy of a response from him or anyone else subsequent and prior to the report's release.

The fact that the public has been given every reason to incorrectly believe otherwise has harmed and continues to harm Judge Voiland in his official and individual capacities.

We await your provision of the records we requested. Please note that our Open Records Request applies not only to records maintained by the Director of State Courts and the investigator, but also to any relevant records maintained by Judge Dorow and by her District Court Administrator, as both act in cooperation with the Director of State Courts and each other in carrying out their administrative duties set forth in the law. *See, e.g., Wisconsin Supreme Court Rules 70.19(2) and 70.16(4)*. Once this is received, we intend to follow up with you regarding the material information that the investigator failed to include or to obtain prior to your public release of the report on July 3, 2018.



Brent D. Nistler
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(414) 763-1147 Phone
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Brent Nistler

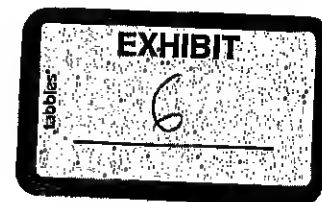
From: Jennifer Dorow <Jennifer.Dorow@wicourts.gov>
Sent: Wednesday, August 15, 2018 10:11 AM
To: Brent Nistler
Cc: Randy Koschnick; Tom Sheehan
Subject: Open Records Request 8/14/18

Attorney Nistler,

I am in receipt of your email dated August 14, 2018. In that email you make reference to your prior request to the Director being applicable to me. Please note you have not previously made an open records request of me. I even made reference to that in a prior email explaining why I hadn't responded to the request you made of the Director. Clearly you are now making such a request in your most recent email, but I am unclear what it is you are seeking. Therefore, please clarify what it is you are requesting so that I may respond accordingly.

Thank you.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov



Brent Nistler

From: Brent Nistler
Sent: Thursday, August 16, 2018 4:05 PM
To: Jennifer Dorow; Randy Koschnick
Cc: Joseph Voiland
Subject: RE: Open Records Request 8/14/18

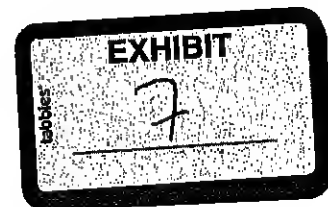
Dear Judge Koschnick and Judge Dorow:

On July 18 my office sent an open records request to the Director of State Courts office seeking any copy of the investigative report that is not designated as "Confidential," as well as copies of all records maintained by the Director of State Courts Office incident to the administrative investigation. In responding to a records request, a person is to provide all documents within his or her possession, custody or control. Here, that includes all records of the investigator and all records in the possession, custody or control of District Chief Judge Dorow and the District Court Administrator relating to the administrative investigation, for the District Chief Judge and the District Court Administrator are required to carry out their administrative duties in cooperation with the Director of State Courts pursuant to Wisconsin Supreme Court Rules 70.19 and 70.16. The July 18 request expressly requested the investigator's files, as well, given his unique position as a private attorney not directly subject to Supreme Court Rules Chapter 70.

In hopes of resolving any misunderstanding or dispute that may remain, this serves as an Independent request for all records in the possession, custody or control of the investigator, District Chief Judge Dorow, the District Court Administrator and the Director of State Courts relating to the administrative investigation that led to the July 3, 2018 "Confidential" report, as well as for any copy of the investigator's report that is not designated "confidential."

Brent D. Nistler
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-----Original Message-----

From: Jennifer Dorow [mailto:Jennifer.Dorow@wicourts.gov]

Sent: Wednesday, August 15, 2018 10:11 AM

To: Brent Nistler <BNistler@nistlerlaw.com>

Cc: Randy Koschnick <Randy.Koschnick@wicourts.gov>; Tom Sheehan <Tom.Sheehan@wicourts.gov>

Subject: Open Records Request 8/14/18

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Thank you.

Judge Jennifer R. Dorow

Chief Judge District 3

Waukesha County Circuit Court Branch 2

jennifer.dorow@wicourts.gov

Brent Nistler

From: Jennifer Dorow <Jennifer.Dorow@wicourts.gov>
Sent: Friday, August 17, 2018 3:20 PM
To: Brent Nistler
Cc: Dean Stensberg; Joseph Voiland; Michael Neimon; Nancy Rottier; Randy Koschnick; Tom Sheehan
Subject: Re: Open Records Request 8/14/18

Attorney Nistler,

In response to this and further acknowledging Judge Koschnick's response, with which I concur, please accept this email as an acknowledgment of your open records request. I will respond to your request as soon as practicable and without delay.

Judge Dorow

> On Aug 16, 2018, at 4:05 PM, Brent Nistler <BNistler@nistlerlaw.com> wrote:

>
> Dear Judge Koschnick and Judge Dorow:
>

> On July 18 my office sent an open records request to the Director of State Courts office seeking any copy of the Investigative report that is not designated as "Confidential," as well as copies of all records maintained by the Director of State Courts Office incident to the administrative investigation. In responding to a records request, a person is to provide all documents within his or her possession, custody or control. Here, that includes all records of the Investigator and all records in the possession, custody or control of District Chief Judge Dorow and the District Court Administrator relating to the administrative investigation, for the District Chief Judge and the District Court Administrator are required to carry out their administrative duties in cooperation with the Director of State Courts pursuant to Wisconsin Supreme Court Rules 70.19 and 70.16. The July 18 request expressly requested the Investigator's files, as well, given his unique position as a private attorney not directly subject to Supreme Court Rules Chapter 70.

>
> In hopes of resolving any misunderstanding or dispute that may remain, this serves as an independent request for all records in the possession, custody or control of the investigator, District Chief Judge Dorow, the District Court Administrator and the Director of State Courts relating to the administrative investigation that led to the July 3, 2018 "Confidential" report, as well as for any copy of the investigator's report that is not designated "confidential."

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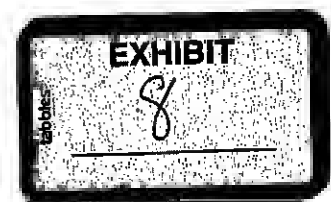
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>

> Brent D. Nistler
> Nistler Law Office, s.c
> 7000 W. North Ave.
> Wauwatosa, WI 53213
> (414) 763-1147 Phone



> (414) 988-9572 Fax
> bnistler@nistlerlaw.com
> www.nistlerlaw.com

>
> CONFIDENTIALITY NOTE: The information contained in this electronic transmission and any documents accompanying the transmission are confidential and/or legally privileged material from Nistler Law Office, s.c. This information is intended only for the use of the individual or entity to whom the transmission is directed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this information in error, please permanently delete it from your files.

>
>
>
>

> -----Original Message-----

> From: Jennifer Dorow [mailto:Jennifer.Dorow@wicourts.gov]
> Sent: Wednesday, August 15, 2018 10:11 AM
> To: Brent Nistler <BNistler@nistlerlaw.com>
> Cc: Randy Koschnick <Randy.Koschnick@wicourts.gov>; Tom Sheehan
<Tom.Sheehan@wicourts.gov>
> Subject: Open Records Request 8/14/18

>

> Attorney Nistler,

>

> I am in receipt of your email dated August 14, 2018. In that email you make reference to your prior request to the Director being applicable to me. Please note you have not previously made an open records request of me. I even made reference to that in a prior email explaining why I hadn't responded to the request you made of the Director. Clearly you

> are now making such a request in your most recent email, but I am unclear what it is you are seeking. Therefore, please clarify what it is you are requesting so that I may respond accordingly.

>

> Thank you.

>

> Judge Jennifer R. Dorow

> Chief Judge District 3

> Waukesha County Circuit Court Branch 2 jennifer.dorow@wicourts.gov

>

>

>

JENNIFER R. DOROW
Chief Judge
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
Telephone: (262) 548-7210

PATRICK C. HAUGHNEY
Deputy Chief Judge
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
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MICHAEL G. NEIMON
District Court Administrator
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Waukesha, WI 53188-2428
Telephone: (262) 548-7209

STATE OF WISCONSIN

THIRD JUDICIAL DISTRICT

WAUKESHA COUNTY COURTHOUSE
515 WEST MORELAND BLVD., ROOM C-359
WAUKESHA, WISCONSIN 53188

OFFICE (262) 548-7210
FAX (262) 548-7815



Attorney Brent Nistler
via email

Re: Open Records Request

Dear Attorney Nistler:

This is in response to your August 16 records request submitted to me by e-mail that stated, in part:

"... In hopes of resolving any misunderstanding or dispute that may remain, this serves as an independent request for all records in the possession, custody or control of the investigator, District Chief Judge Dorow, the District Court Administrator and the Director of State Courts relating to the administrative investigation that led to the July 3, 2018 "Confidential" report, as well as for any copy of the investigator's report that is not designated "confidential."

In working to respond to your request, I would appreciate if you would clarify what you are seeking, and whether circumstances have changed the posture of your request since it was submitted.

My understanding is that you are receiving the investigator's records from the Director of State Courts, so it appears that part of your request is being addressed. I also understand that you may no longer represent Judge Voiland and wonder whether that affects the pursuit of your request.

As it stands, the wording of your request seeks records based, in large part, on a subjective determination of whether a record may or may not have "led to" a report. It would be helpful if you would provide objective and reasonably specific criteria indicating what records you are requesting. Under the Public Records Law, custodians are not required to try to guess at what records a requester desires (Seifert, 2007 WI App ¶42), nor are they required to generate a new record.

I will continue working toward a response if you would clarify.

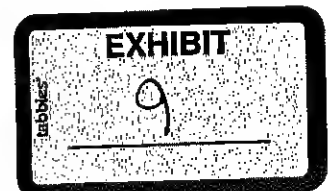
To the extent you may view any portion of this response as a denial of your request, such a decision would be potentially subject to review in an action for mandamus under Wis. Stats. §19.37(1), or by application to the local district attorney or the Attorney General.

Sincerely,

Electronically signed by Jennifer R. Dorow

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2

JEFFERSON □ OZAUKEE □ WASHINGTON □ WAUKESHA



Brent Nistler

From: Joseph Voiland <Joseph.Voiland@wicourts.gov>
Sent: Friday, August 31, 2018 5:59 PM
To: Jennifer Dorow
Cc: Brent Nistler; Randy Koschnick
Subject: August 16, 2018 Request for all records relating to the administrative investigation

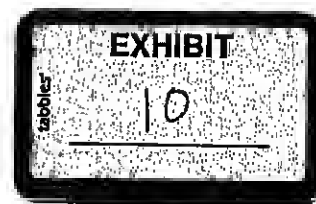
Judge Dorow:

I am replying to your letter response that was just delivered on the eve of Labor Day Weekend, still without providing any of your records. Attorney Nistler forwarded it to me and I am responding as I expect he will be out for the holiday. Nothing provided by the Director of State Court's Office, and nothing about Attorney Nistler, should be reason to delay your response to the request.

My request asked for all records relating to the administrative investigation that led to the July 3 report. While you say you cannot be sure which records "led" to the report, you have misread the request. The request does not ask for all records that "led to" the report. The request asks for all records relating to the investigation, while the investigation led to (or culminated in) the report.

Therefore, please provide all records relating to the administrative investigation.

Thank you.



From: Jennifer Dorow [mailto:Jennifer.Dorow@wicourts.gov]

Sent: Friday, August 31, 2018 3:51 PM

To: Brent Nistler <BNistler@nistlerlaw.com>

Cc: Randy Koschnick <Randy.Koschnick@wicourts.gov>

Subject: Nistler 083118 Open Records Request Response

Attorney Nistler,

Please see the attached letter for your consideration.

Judge Jennifer R. Dorow

Chief Judge District 3

Waukesha County Circuit Court Branch 2

jennifer.dorow@wicourts.gov

[Text of PDF letter]

August 31, 2018

Attorney Brent Nistler via email

Re: Open Records Request

Dear Attorney Nistler:

This is in response to your August 16 records request submitted to me by e-mail that stated, in part: "... In hopes of resolving any misunderstanding or dispute that may remain, this serves as an independent request for all records in the possession, custody or control of the investigator, District Chief Judge Dorow, the District Court Administrator and the Director of State Courts relating to the administrative investigation that led to the July 3, 2018 "Confidential" report, as well as for any copy of the investigator's report that is not designated "confidential."

In working to respond to your request, I would appreciate if you would clarify what you are seeking, and whether circumstances have changed the posture of your request since it was submitted. My understanding is that you are receiving the investigator's records from the Director of State Courts, so it appears that part of your

request is being addressed. I also understand that you may no longer represent Judge Voiland and wonder whether that affects the pursuit of your request.

As it stands, the wording of your request seeks records based, in large part, on a subjective determination of whether a record may or may not have "led to" a report. It would be helpful if you would provide objective and reasonably specific criteria indicating what records you are requesting. Under the Public Records Law, custodians are not required to try to guess at what records a requester desires (Seifert, 2007 WI App ¶42), nor are they required to generate a new record. I will continue working toward a response if you would clarify. To the extent you may view any portion of this response as a denial of your request, such a decision would be potentially subject to review in an action for mandamus under Wis. Stats. §19.37(1), or by application to the local district attorney or the Attorney General.

Sincerely,

Electronically signed by Jennifer R. Dorow

Judge Jennifer R. Dorow

Chief Judge District 3

Waukesha County Circuit Court Branch 2

Joe Voiland
Ozaukee County Circuit Court Judge
joseph.voiland@wicourts.gov

JENNIFER R. DOROW
Chief Judge
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
Telephone: (262) 548-7210

PATRICK C. HAUGHNEY
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Waukesha, WI 53188-2428
Telephone: (262) 548-7210

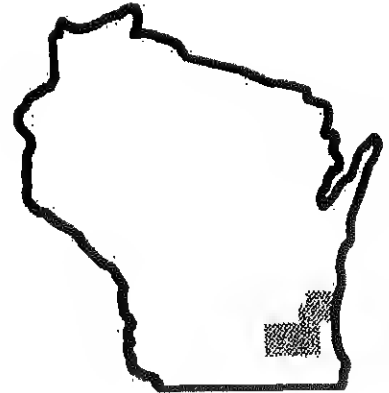
MICHAEL G. NEIMON
District Court Administrator
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Telephone: (262) 548-7209

STATE OF WISCONSIN

THIRD JUDICIAL DISTRICT

WAUKESHA COUNTY COURTHOUSE
515 WEST MORELAND BLVD., ROOM C-359
WAUKESHA, WISCONSIN 53188

OFFICE (262) 548-7210
FAX (262) 548-7815



Attorney Brent Nistler
via email

Re: Open Records Request

On Aug. 31, 2018, I wrote you in response to a public records request that you made of me on Aug. 16. I have not received a response from you. However, on Aug. 31, I received an e-mail message from Judge Joseph Voiland in response to my message that was sent to you.

In this communication, Judge Voiland appears to modify your request and substitute himself for you as the records requester. As a result, I am seeking a response directly from you. Are you still pursuing your Aug. 16 request on your own behalf? Or, am I to now work with Judge Voiland on his request as restated Aug. 31?

I am dedicated to complying with the Public Records Law as soon as practicable and without delay. However, it is not clear with whom I am to be communicating. For now, it appears I have both of you as requesters, but I am not sure if that was your intent.

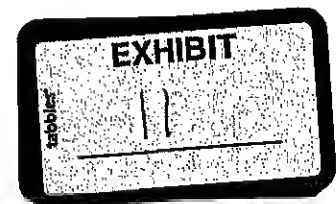
Your direct reply to me and clarification on this question would be appreciated.

To the extent you may view any portion of this response as a denial of your request, such a decision would be potentially subject to review in an action for mandamus under Wis. Stats. §19.37(1), or by application to the local district attorney or the Attorney General.

Sincerely,

Electronically signed by Jennifer R. Dorow

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2



Brent Nistler

From: Brent Nistler
Sent: Wednesday, September 19, 2018 9:51 AM
To: Jennifer Dorow
Cc: Randy Koschnick
Subject: RE: Nistler 091818 Open Records Request Response.pdf
Attachments: Nistler 091B1B Open Records Request Response.pdf

Thank you for this letter. To clarify, I am still representing Judge Voiland, and as he said, he wrote you directly because of the timing with the holiday weekend. I do not think his request modifies mine, but to the extent it clarifies it, please consider it when providing the response. Thanks

Brent D. Nistler
Nistler Law Office, s.c
7000 W. North Ave.
Wauwatosa, WI 53213
(414) 763-1147 Phone
(414) 988-9572 Fax
bnistler@nistlerlaw.com
www.nistlerlaw.com

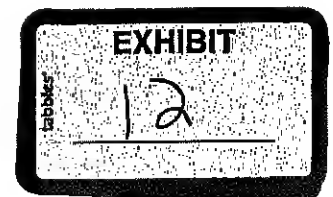
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From: Jennifer Dorow [mailto:Jennifer.Dorow@wicourts.gov]
Sent: Tuesday, September 18, 2018 12:48 PM
To: Brent Nistler <BNistler@nistlerlaw.com>
Cc: Randy Koschnick <Randy.Koschnick@wicourts.gov>
Subject: Nistler 091B18 Open Records Request Response.pdf

Attorney Nistler,

Please see the attached letter. Thank you.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov



JENNIFER R. DOROW
Chief Judge
Waukesha County Courthouse
515 West Moreland Blvd.
Waukesha, WI 53188-2428
Telephone: (262) 548-7210

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515 WEST MORELAND BLVD., ROOM C-359
WAUKESHA, WISCONSIN 53188

OFFICE (262) 548-7210
FAX (262) 548-7815



Attorney Brent Nistler
via email

Re: Open Records Request

On Aug. 31, 2018, I wrote you in response to a public records request that you made of me on Aug. 16. I have not received a response from you. However, on Aug. 31, I received an e-mail message from Judge Joseph Voiland in response to my message that was sent to you.

In this communication, Judge Voiland appears to modify your request and substitute himself for you as the records requestor. As a result, I am seeking a response directly from you. Are you still pursuing your Aug. 16 request on your own behalf? Or, am I to now work with Judge Voiland on his request as restated Aug. 31?

I am dedicated to complying with the Public Records Law as soon as practicable and without delay. However, it is not clear with whom I am to be communicating. For now, it appears I have both of you as requesters, but I am not sure if that was your intent.

Your direct reply to me and clarification on this question would be appreciated.

To the extent you may view any portion of this response as a denial of your request, such a decision would be potentially subject to review in an action for mandamus under Wis. Stats. §19.37(1), or by application to the local district attorney or the Attorney General.

Sincerely,

Electronically signed by Jennifer R. Dorow

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2

Brent Nistler

From: Jennifer Dorow <Jennifer.Dorow@wicourts.gov>
Sent: Wednesday, October 17, 2018 4:13 PM
To: Brent Nistler
Cc: Randy Koschnick
Subject: RE: Nistler 091818 Open Records Request Response.pdf

Attorney Nistler,

Your email is not entirely accurate. I have responded more than once to your (and Judge Voiland's follow up) inquiry and sought clarification, to which very little has been provided. During that time I have also been addressing a separate open records request as well as handling my responsibilities as a judge. Please know I have attempted to respond as soon as practicable and without delay. I am working with the Director's office on my response and will get it to you as soon as possible. Thank you for your understanding.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov

>>> Brent Nistler <BNistler@nistlerlaw.com> 10/17/2018 1:33 PM >>>
Dear Judge Dorow:

More than two months ago, I requested records from you under the Wisconsin open records law. I requested all records relating to the administrative investigation which you oversaw relating to certain matters in Ozaukee County. That investigation included a report by retired Dane County Judge Patrick Fiedler, which you publicly stated that you had reviewed and whose finding you stated you adopted.

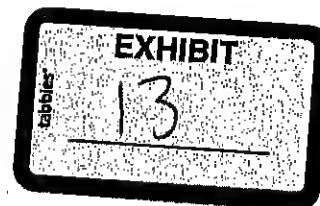
You still have not provided the records, despite a number of follow-up letters and messages to you.

Please provide all of these records no later than Noon on Friday, October 19th, 2018. If you require payment for costs prior to that time, please let me know the cost today.

Thank you.

[cid:image001.jpg@01D4661D.EEC85C60]

Brent D. Nistler
Nistler Law Office, s.c
7000 W. North Ave.
Wauwatosa, WI 53213
(414) 763-1147 Phone
(414) 988-9572 Fax
bnistler@nistlerlaw.com<mailto:bnistler@nistlerlaw.com>
www.nistlerlaw.com<http://www.nistlerlaw.com/>



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From: Brent Nistler
Sent: Monday, October 8, 2018 9:38 AM
To: Jennifer Dorow <Jennifer.Dorow@wicourts.gov>
Cc: Randy Koschnick <Randy.Koschnick@wicourts.gov>
Subject: FW: Nistler 091818 Open Records Request Response.pdf

Good morning, we are coming up on 3 weeks since this last communication. When can I expect these records? Thank you. -Brent Nistler

From: Brent Nistler
Sent: Wednesday, September 19, 2018 9:51 AM
To: 'Jennifer Dorow'
<Jennifer.Dorow@wicourts.gov<mailto:Jennifer.Dorow@wicourts.gov>>
Cc: Randy Koschnick
<Randy.Koschnick@wicourts.gov<mailto:Randy.Koschnick@wicourts.gov>>
Subject: RE: Nistler 091818 Open Records Request Response.pdf

Thank you for this letter. To clarify, I am still representing Judge Voiland, and as he said, he wrote you directly because of the timing with the holiday weekend. I do not think his request modifies mine, but to the extent it clarifies it, please consider it when providing the response. Thanks

Brent D. Nistler
Nistler Law Office, s.c.
7000 W. North Ave.
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(414) 763-1147 Phone
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From: Jennifer Dorow [mailto:Jennifer.Dorow@wicourts.gov]
Sent: Tuesday, September 18, 2018 12:48 PM

To: Brent Nistler
<BNistler@nistlerlaw.com<mailto:BNistler@nistlerlaw.com>>
Cc: Randy Koschnick
<Randy.Koschnick@wicourts.gov<mailto:Randy.Koschnick@wicourts.gov>>
Subject: Nistler 091818 Open Records Request Response.pdf

Attorney Nistler,

Please see the attached letter. Thank you.

Judge Jennifer R. Dorow
Chief Judge District 3
Waukesha County Circuit Court Branch 2
jennifer.dorow@wicourts.gov<mailto:jennifer.dorow@wicourts.gov>

JENNIFER R. DOROW
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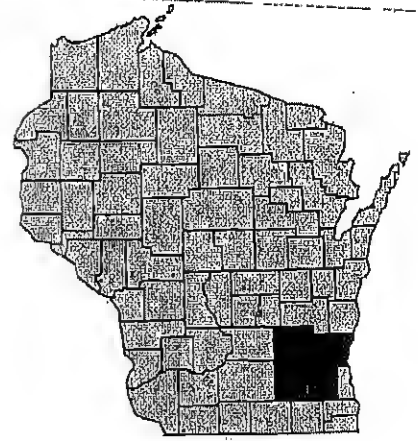
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STATE OF WISCONSIN

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515 WEST MORELAND BLVD., ROOM C-359
WAUKESHA, WISCONSIN 53188

OFFICE (262) 548-7210
FAX (262) 548-7815



October 19, 2018

Attorney Brent Nistler
via email

Re: Open Records Request

Dear Attorney Nistler:

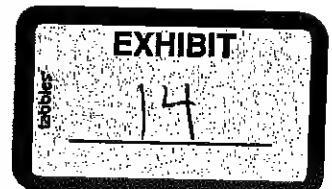
On Aug. 31, 2018, I wrote you in response to your records request asking you to "provide objective and reasonably specific criteria indicating what records you are requesting. Under the Public Records Law, custodians are not required to try to guess at what records a requester desires (Seifert, 2007 WI App ¶42), nor are they required to generate a new record."

I also wrote to you that I would continue working toward a response if you would clarify your request. To date, I have not received a substantive response from you with either search terms or a date range of the records you are after. I do not have electronic records compiled or organized by topic on the administrative investigation, so this information would be necessary to conduct a search of my e-mail.

However, in response to your request, and for lack of you providing reasonably specific criteria, I have attached copies of electronic records that have previously been searched and provided under a previous records request. (See letter and responsive documents sent to Casey Geraldo, TODAY'S TMJ4 on March 13, 2018). Records included in this response are for e-mails to or from my email account containing the words "koschnick" "rules of judicial administration" or "Ozaukee county" between September 1, 2017 and February 16, 2018.

Please be advised that a copy of an attachment to an email received Dec. 18, 2017 at 3:13 p.m. was excluded from this response because the document is publicly available and is 357 pages in length. The report is titled "Wisconsin Department of Justice DCI, Cast Master Report 16-3772." My understanding is you previously received a copy of this report, and it is publicly available.

As previously noted in my Aug. 31 correspondence, my understanding is that you are receiving the investigator's records from the Director of State Courts, so it appears that part of your request is being addressed.



Third Judicial District

Page 2 of 2

To the extent you may view any portion of this response as a denial of your request, such a decision would be potentially subject to review in an action for mandamus under Wis. Stats. §19.37(1), or by application to the local district attorney or the Attorney General.

Sincerely,

Electronically Signed by Jennifer R. Dorow

Jennifer R. Dorow
Chief Judge District 3

cc: Director of State Courts Randy Koschnick